



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

HC0055

Introduced , by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

ILCON Art. III, Sec. 7

Proposes to amend the Suffrage and Elections Article of the Illinois Constitution. Replaces procedures concerning the recall of the Governor with procedures concerning the recall of an executive branch officer as identified in Section 1 of Article V of the Illinois Constitution, a member of the General Assembly, or an individual holding a local elected office, including, but not limited to, mayors, village presidents, council members, school board members, community college officials, and county officials. Sets forth requirements for recall petitions and elections. Provides for a successor election to fill the vacant term of a recalled officer, member, or individual. Sets forth duties of the State Board of Elections. Provides that the new provisions are self-executing and judicially enforceable. Contains a schedule for adoption and other provisions.

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1 HOUSE JOINT RESOLUTION
 2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
 4 NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE
 5 SENATE CONCURRING HEREIN, that there shall be submitted to the
 6 electors of the State for adoption or rejection at the general
 7 election next occurring at least 6 months after the adoption of
 8 this resolution a proposition to amend Section 7 of Article III
 9 of the Illinois Constitution as follows:

10 ARTICLE III
 11 SUFFRAGE AND ELECTIONS

12 (ILCON Art. III, Sec. 7)

13 SECTION 7. ~~INITIATIVE TO RECALL GOVERNOR~~

14 (a) Electors may petition for the recall of an executive
 15 branch officer as identified in Section 1 of Article V, a
 16 member of the General Assembly, or an individual holding a
 17 local elected office, including, but not limited to, mayors,
 18 village presidents, council members, school board members,
 19 community college officials, and county officials. If the
 20 recall petition is valid, on a separate ballot the question
 21 "Shall (officer) be recalled from the office of (office)" must
 22 be submitted to the electors, along with the names of any
 23 candidates certified for the successor election, at a special

1 election called by the State Board of Elections or at a
2 regularly scheduled election to occur not more than 100 days
3 after the date of certification of the recall petition. The
4 officer or member subject to recall may be a candidate in the
5 successor election. Because the Governor and Lieutenant
6 Governor are elected jointly under Section 4 of Article V, a
7 petition to recall either must include both.

8 (b) An executive branch officer as identified in Section 1
9 of Article V, a member of the General Assembly, or an
10 individual holding a local elected office, including, but not
11 limited to, mayors, village presidents, council members,
12 school board members, community college officials, and county
13 officials, is immediately removed upon certification of the
14 recall election results if a majority of the electors voting on
15 the question vote to recall the officer, member, or individual.
16 In an election to recall the Governor and Lieutenant Governor,
17 one vote shall be cast jointly for or against recall of both.
18 If an officer, member, or individual is recalled, the candidate
19 who receives the highest number of votes in the successor
20 election is elected successor for the balance of the term. Once
21 a recall election petition is certified, the petition may not
22 be withdrawn and another recall petition may not be initiated
23 against that officer or member during the remainder of his or
24 her current term of office.

25 (c) Any elector of the State, the applicable Legislative or
26 Representative District, or the applicable election unit may

1 file an affidavit with the State Board of Elections providing
2 notice of intent to circulate a petition to recall an officer,
3 member, or individual no sooner than 6 months after the
4 beginning of the current term of office of the officer, member,
5 or individual. The affidavit must identify the name of the
6 officer, member, or individual and the office to be recalled,
7 the name and address of the proponents of the recall petition,
8 and the date of filing with the State Board of Elections. A
9 recall petition shall not be circulated prior to filing the
10 affidavit, and a recall petition must be filed with the State
11 Board of Elections no later than 160 days after filing the
12 affidavit.

13 (d) A petition to recall an executive branch officer must
14 include signatures of electors of the State equal to at least
15 12% of the total votes cast for the office in the election at
16 which the officer was elected, with signatures equal to at
17 least 1% of the vote for the office from at least 5 separate
18 counties. A petition to recall a member of the General Assembly
19 must be signed by electors of the respective Legislative
20 District or Representative District equal to at least 20% of
21 the total votes cast for the office in the election at which
22 the member was elected. A petition to recall an individual
23 holding a local elected office, including, but not limited to,
24 mayors, village presidents, council members, school board
25 members, community college officials, and county officials,
26 must be signed by electors of the applicable election unit

1 equal to at least 20% of the total votes cast for the office in
2 the election at which the member was elected. The form,
3 circulation, and manner of filing a recall petition shall
4 comply with the requirements provided by law for a statewide
5 advisory public question, except for the deadlines set forth in
6 this Section.

7 (e) A recall petition is valid unless an objection is made
8 within 45 days after the date the petition is filed, and an
9 objection to the recall petition may be made in the same manner
10 as to a candidate for the office subject to recall. The State
11 Board of Elections shall certify the recall petition not more
12 than 105 days after the date the recall petition is filed. Any
13 recall petition or election pending on the date of the next
14 general election at which a candidate for the office subject to
15 recall is elected is moot.

16 (f) If a recall election is initiated, the name of no
17 successor candidate may appear on the ballot unless a
18 nominating petition has been filed with the State Board of
19 Elections no more than 40 days after filing of the recall
20 petition. The nominating petition of an established party
21 candidate must contain the same number of signatures and be
22 circulated in the same manner as an established party candidate
23 for nomination to the office subject to recall, except the
24 petition must be circulated no more than 40 days prior to the
25 last day for filing nomination petitions. The nominating
26 petition of an independent or new party candidate must contain

1 the same number of signatures and be circulated in the same
2 manner as an independent or new party candidate, respectively,
3 for election to the office subject to recall, except the
4 petition must be circulated no more than 40 days prior to the
5 last day for filing nomination petitions. A nominating petition
6 may be objected to in the same manner as a candidate for the
7 office subject to recall, unless otherwise provided by law. The
8 State Board of Elections shall certify a valid nominating
9 petition not more than 105 days after the date the recall
10 petition is filed.

11 (g) An election to determine whether to recall an executive
12 branch officer as identified in Section 1 of Article V, a
13 member of the General Assembly, or an individual holding a
14 local elected office, including, but not limited to, mayors,
15 village presidents, council members, school board members,
16 community college officials, and county officials, and to elect
17 a successor shall be proclaimed by the State Board of Elections
18 and held not less than 60 days and no more than 100 days after
19 the date of certification of the recall petition.

20 (h) The provisions of this Section are self-executing and
21 judicially enforceable.

22 ~~(a) The recall of the Governor may be proposed by a~~
23 ~~petition signed by a number of electors equal in number to at~~
24 ~~least 15% of the total votes cast for Governor in the preceding~~
25 ~~gubernatorial election, with at least 100 signatures from each~~
26 ~~of at least 25 separate counties. A petition shall have been~~

1 ~~signed by the petitioning electors not more than 150 days after~~
2 ~~an affidavit has been filed with the State Board of Elections~~
3 ~~providing notice of intent to circulate a petition to recall~~
4 ~~the Governor. The affidavit may be filed no sooner than 6~~
5 ~~months after the beginning of the Governor's term of office.~~
6 ~~The affidavit shall have been signed by the proponent of the~~
7 ~~recall petition, at least 20 members of the House of~~
8 ~~Representatives, and at least 10 members of the Senate, with no~~
9 ~~more than half of the signatures of members of each chamber~~
10 ~~from the same established political party.~~

11 ~~(b) The form of the petition, circulation, and procedure~~
12 ~~for determining the validity and sufficiency of a petition~~
13 ~~shall be as provided by law. If the petition is valid and~~
14 ~~sufficient, the State Board of Elections shall certify the~~
15 ~~petition not more than 100 days after the date the petition was~~
16 ~~filed, and the question "Shall (name) be recalled from the~~
17 ~~office of Governor?" must be submitted to the electors at a~~
18 ~~special election called by the State Board of Elections, to~~
19 ~~occur not more than 100 days after certification of the~~
20 ~~petition. A recall petition certified by the State Board of~~
21 ~~Elections may not be withdrawn and another recall petition may~~
22 ~~not be initiated against the Governor during the remainder of~~
23 ~~the current term of office. Any recall petition or recall~~
24 ~~election pending on the date of the next general election at~~
25 ~~which a candidate for Governor is elected is moot.~~

26 ~~(c) If a petition to recall the Governor has been filed~~

1 ~~with the State Board of Elections, a person eligible to serve~~
2 ~~as Governor may propose his or her candidacy by a petition~~
3 ~~signed by a number of electors equal in number to the~~
4 ~~requirement for petitions for an established party candidate~~
5 ~~for the office of Governor, signed by petitioning electors not~~
6 ~~more than 50 days after a recall petition has been filed with~~
7 ~~the State Board of Elections. The form of a successor election~~
8 ~~petition, circulation, and procedure for determining the~~
9 ~~validity and sufficiency of a petition shall be as provided by~~
10 ~~law. If the successor election petition is valid and~~
11 ~~sufficient, the State Board of Elections shall certify the~~
12 ~~petition not more than 100 days after the date the petition to~~
13 ~~recall the Governor was filed. Names of candidates for~~
14 ~~nomination to serve as the candidate of an established~~
15 ~~political party must be submitted to the electors at a special~~
16 ~~primary election, if necessary, called by the State Board of~~
17 ~~Elections to be held at the same time as the special election~~
18 ~~on the question of recall established under subsection (b).~~
19 ~~Names of candidates for the successor election must be~~
20 ~~submitted to the electors at a special successor election~~
21 ~~called by the State Board of Elections, to occur not more than~~
22 ~~60 days after the date of the special primary election or on a~~
23 ~~date established by law.~~

24 ~~(d) The Governor is immediately removed upon certification~~
25 ~~of the recall election results if a majority of the electors~~
26 ~~voting on the question vote to recall the Governor. If the~~

1 ~~Governor is removed, then (i) an Acting Governor determined~~
2 ~~under subsection (a) of Section 6 of Article V shall serve~~
3 ~~until the Governor elected at the special successor election is~~
4 ~~qualified and (ii) the candidate who receives the highest~~
5 ~~number of votes in the special successor election is elected~~
6 ~~Governor for the balance of the term.~~

7 (Source: Amendment adopted at general election November 2,
8 2010.)

9 SCHEDULE

10 The State Board of Elections shall proceed, as soon as all
11 the returns are received but no later than 31 days after the
12 election, to canvass the votes given for and against this
13 Constitutional Amendment, as shown by the abstracts of votes
14 cast. If this Constitutional Amendment is approved by either
15 three-fifths of those voting on the question or a majority of
16 those voting in the election, then the State Board of Elections
17 shall declare the adoption of this Constitutional Amendment and
18 it shall, upon declaration of its adoption, take effect and
19 become a part of the Constitution of this State. This Schedule
20 supersedes and applies notwithstanding any statute to the
21 contrary, and no other requirements, including, without
22 limitation, proclamation of the results of the vote or notice
23 by publication, are necessary for its effectiveness.